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*Attorneys for Plaintiffs*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ALEX ANG and LYNNE STREIT,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

BIMBO BAKERIES USA, INC.,

Defendant.

Case No. CV13-01196-HSG (NC)

**DECLARATION OF BRIAN HERRINGTON  
IN SUPPORT OF PLAINTIFFS' MOTION  
FOR CLASS CERTIFICATION, FOR  
APPOINTMENT OF CLASS  
REPRESENTATIVES, AND FOR  
APPOINTMENT OF CLASS COUNSEL**

Hearing Date: April 23, 2015  
Time: 2:00 p.m.  
Location: Courtroom 15, 18th Floor  
Judge: Hon. Haywood S. Gilliam, Jr.

1 BRIAN HERRINGTON, hereby declares, pursuant to 28 U.S.C. § 1746(1), as follows::

2 1. I am a partner in the law firm of Barrett Law Group, P.A. I submit this declaration  
3 in support of plaintiffs' motion for class certification and for the appointment of class representative  
4 and class counsel.

5 2. I received my Juris Doctor from the University of Mississippi Law Center in May  
6 1995. I am licensed to practice in the states of Mississippi and Tennessee, as well as the United  
7 States Court of Appeals for the Fifth, Ninth, and Tenth Circuits.

8 3. I mainly represent consumers, small business plaintiffs, and attorneys general in  
9 complex litigation including class actions. These litigations have ranged in subject matter from  
10 antitrust, to market manipulation, to deceptive acts and practices.

11 4. Below is a representative sample of my case experience:

12 **TCI Cable Late Fee Litigation:** I served on the steering committee responsible for  
13 litigating state court class actions in Alabama, Tennessee, Kentucky, Indiana, and California. The  
14 classes consisted of consumers who had been charged unlawful late fees. All of the cases were  
15 settled favorably on a classwide basis.

16 *Hill, on behalf of himself and all others similarly situated, v. Galaxy Telecom, L.P. and*  
17 *Galaxy Telecom, L.P. d/b/a/ Galaxy Cablevision, No. CIV. 1:98CV51–D–D. (N.D. Miss.):* In *Hill*,  
18 I served as lead counsel and was successful in obtaining certification of a 15-state class of  
19 consumers who had been charged unlawful late fees. After a bench trial, the judge found that the  
20 fees were reasonable and entered judgment for the defendant.

21 **State Attorney General Lawsuits Against The Tobacco Industry:** I was one of the  
22 attorneys who represented the State of Mississippi, through Attorney General Mike Moore, in the  
23 State's successful efforts to recover its cigarette-related health care monies spent over the past  
24 years. I also represented the Attorneys General of New York, Louisiana, Arizona, Washington,  
25 Indiana, Alaska, Idaho, Oregon, Rhode Island, Ohio, Vermont, Illinois, and the Commonwealth of  
26 Puerto Rico in their successful litigation against the tobacco industry.

1 ***In Re: United Parcel Service, Inc., Shipper Excess Value Insurance Coverage Litigation:*** Judge  
2 Berman of the Southern District of New York appointed me as one of five Settlement Class  
3 Counsel. This case, involving unlawfully charged premiums for excess value insurance coverage,  
4 was settled favorably on a national classwide basis.

5 ***In re PPA Litigation:*** This litigation involved a defective over-the-counter medicine  
6 recalled by the Food and Drug Administration. I litigated, and was prepared to try, the first post-  
7 recall case in the country. The case settled favorably two weeks before trial.

8 ***State of Oklahoma, ex rel., W.A. Drew Edmondson, Attorney General General of***  
9 ***Oklahoma v. BP America, Inc., et al., No. CJ-09-1564 (Cleveland Cty., Dist. Ct., Okla.)*** and  
10 ***State of Oklahoma, ex rel., W.A. Drew Edmondson, Attorney General of Oklahoma v. BP,***  
11 ***America, Inc., et al., No. CJ-09-1385 (Cleveland Cty. Dist. Ct., Okla.):*** In these companion  
12 cases, the Attorney General for the state of Oklahoma hired me to pursue civil penalties against the  
13 defendants for market manipulation of gas and propane. The cases were successfully resolved.

14 5. Over the last three years, I have also appeared on behalf of plaintiffs in several food  
15 misbranding actions. They include *Brazil v. Dole Food Company, Inc. et al.*, Case No. 5:12-cv-  
16 1831 (N.D. Cal.), *Werdebaugh v. Blue Diamond Growers*, Case No. 5:12-cv-2724 (N.D. Cal.),  
17 *Jones v. Conagra Foods, Inc.*, Case No. 3:12-cv-1633 (N.D. Cal.), *Kosta v. Del Monte*  
18 *Corporation*, Case No. 4:12-cv-1722 (N.D. Cal.), and *Lanovaz v. Twinings North America, Inc.*,  
19 Case No. 5:12-cv-2646 (N.D. Cal.).

20 6. I have familiarized myself with the local rules, applicable statutes, and case law. I  
21 commit to utilizing the full resources of my law firm to represent the proposed classes.

22 I declare under penalty of perjury of the laws of the state of California and the United States  
23 of America that the foregoing is true and correct.

24 February 18, 2015

25  
26 /s/ Brian Herrington  
27 BRIAN HERRINGTON  
28